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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,996	09/30/2003	Peter R. Badovinatz	POU920030133US1	1617
23334 7590 01/02/2008 FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EXAMINER BURGESS, BARBARA N	
			ART UNIT 2157	PAPER NUMBER
			NOTIFICATION DATE 01/02/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoboca@focusonip.com

## Office Action Summary

Application No.

10/674,996

Applicant(s)

BADOVINATZ ET AL.

Examiner

Barbara N. Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is in response to Amendment filed October 17, 2007. Claims 1-25 are presented for further examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 8-9, 15-18, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Farchmin et al. (hereinafter "Farchmin", US Patent Application Publication 2006/0129640 A1).

As per claims 1 and 8, Farchmin discloses a method and computer readable storage product for specifying equivalent resources in a policy driven automatic computing system comprising:

Identifying a set of resource equivalencies based on at least one of a user specification of resource equivalencies, and automatic discovery of resource related to the user specification of resource equivalencies (paragraphs [0027-0028, 0090-0092, 0146]);

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storing the set of resource equivalencies in memory, wherein each resource in a resource equivalency performs substantially identical services as other resources in the resource equivalency, the substantially identical services corresponding to the user specification of resource equivalencies (paragraphs [0034, 0041, 0096]);

selecting at least one resource equivalency from the set of resource equivalencies (paragraphs [0033, 0138]);

selecting at least one resource from the selected resource equivalency (paragraphs [0032, 0120]);

using the selected at least one resource as required by an autonomic computing system to perform at least one service (paragraphs [0035, 0120, 0144]).

As per claims 2 and 9, Farchmin discloses the method and computer readable medium of claims 1, 8, wherein the set of resource equivalencies comprises a resource equivalency representing a plurality of physically distinct resources that are logically equivalent (paragraphs [0027-0028, 0079]).

As per claims 15 and 22, Fachmin discloses an autonomic computing system resource manager, comprising:

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memory (paragraphs [0034, 0041, 0096]);

a resource monitor, communicatively coupled with each resource in an autonomic computing system, and with the memory, for monitoring, and exchanging data with, each resource in the autonomic computing system (paragraphs [0100, 0118]);

an equivalency definer, communicatively coupled with each resource in the autonomic computing system, and with the memory, for defining at least one equivalency based on at least one of a user specification of resource equivalencies and automatic discovery of resource attributes related to the user specification of resource equivalencies, representing at least one set of equivalent resources in the autonomic computing system, and storing the at least one equivalency in the memory, wherein each resource in the set of equivalent resources performs substantially identical services as other resources in the set of equivalent resources, the substantially identical services corresponding to the user specification of resource equivalencies (paragraphs [0034, 0041, 0096]);

a policy generator, communicatively coupled with the memory, for providing in the memory a representation of a system-wide graph of available actions corresponding with each resource in the autonomic computing system (paragraphs [0108-0109]);

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an automation engine, communicatively coupled with the resource monitor, with each resource in the autonomic computing system, and with the memory, for providing available actions to at least one available resource in the autonomic computing system, the at least one available resource being selected from at least one available resource represented in the at least one equivalency in order for the autonomic computing system to establish and maintain a desired end state (paragraphs [0033, 0138]).

As per claims 16 and 23, Fachmin discloses the autonomic computing system resource manager of claim 15, 22, further comprising:

a resource harvester, communicatively coupled with each resource in the autonomic computing system, with the resource monitor, with the equivalency definer, with the policy generator, and with the memory, for specifying implicit relationships between resources in the autonomic computing system via self discovery (paragraphs [0035-0044]).

As per claim 17, Fachmin discloses the autonomic computing system resource manager of claim 15, wherein:

the policy generator further for specifying implicit relationships between resources in the autonomic computing system (paragraph [0075]).

As per claim 18, Fachmin discloses the autonomic computing system resource manager of claim 15, wherein:

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the equivalency definer for defining at least one equivalency representing at least two sets of equivalent resources nested within at least one set of equivalent resources (paragraph [0099-0101]).

As per claim 21, Fachmin discloses the autonomic computing system resource manager of claim 15, wherein the at least one set of equivalent resources comprises at least one network interface card all being logically equivalent in the autonomic computing system; and wherein the automation engine provides available actions to at least one network interface card in the autonomic computing system, the at least one network interface card being selected from at least one available network interface card represented in at least one equivalency in order for the autonomic computing system to establish and maintain a desired end state (paragraphs [0027-0028, 0079]).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7, 10-14, 19-20, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farchmin et al. (hereinafter "Farchmin", US Patent Application

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Publication 2006/0129640 A1) over Hannel et al. (hereinafter "Hannel", US Patent 7,272,625 B1).

As per claims 3 and 10, Farchmin discloses a method and computer readable storage product with an information processing system for specifying equivalent resources in a policy driven automatic computing system comprising:

creating at least one grouping of resources (paragraphs [0034, 0041, 0096]);

defining a set of resources remaining in the at least one grouping as an equivalency,

wherein each resources in the set of resources perform at least one substantially similar service (paragraphs [0034, 0041, 0096]).

Farchmin does not explicitly disclose:

receiving at least one resource class type specification from a user for an autonomic computing system;

creating at least one grouping of resources of at least one resource class type;

creating a filter from a set of attributes that define a required functional attribute of a type of resource corresponding to the resource class type specification received from the user;

removing from the at least one grouping of resources any resource that does not match the filter;

the at least one substantially similar service corresponding to the corresponding to the resource class type specification.



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However, in an analogous art, Hannel teaches resource groups organized in a hierarchy according to class type. A table includes the resource's ID, the service it provides, etc. A hidden flag indicates whether the resource should be displayed to users who do not belong to the user group having access to the resource. A filter uses resource descriptions such as IP address and location to determine a resource class (column 30, lines 15-65, column 31, lines 1-60).

Therefore, one of ordinary skill in the art would have found it obvious to implement or incorporate Hannel's resource class type and filter in Farchmin's method enabling the administrator to determine what users have access rights to specific resources.

As per claims 4 and 11, Farchmin does not explicitly disclose the method and computer readable medium of claims 3, 10, wherein the specifying a type of resource class comprises harvesting implicit relationships among resources via self-discovery. However, in an analogous art, Hannel teaches resource groups organized in a hierarchy according to class type. A table includes the resource's ID, the service it provides, etc. A hidden flag indicates whether the resource should be displayed to users who do not belong to the user group having access to the resource. A filter uses resource descriptions such as IP address and location to determine a resource class (column 30, lines 15-65, column 31, lines 1-60).

Therefore, one of ordinary skill in the art would have found it obvious to implement or incorporate Hannel's resource class type and filter in Farchmin's method

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enabling the administrator to determine what users have access rights to specific resources.

As per claims 5 and 12, Farchmin discloses the method and computer readable medium of claims 4, 11, further comprising:

discovering an additional resource (paragraph [0095]);

including the additional resource in the set of resources remaining in the at least one grouping as an equivalency (paragraphs [0132]).

Farchmin does not explicitly disclose:

matching attributes of the additional resource to the filter.

However, in an analogous art, Hannel teaches resource groups organized in a hierarchy according to class type. A table includes the resource's ID, the service it provides, etc.

A hidden flag indicates whether the resource should be displayed to users who do not belong to the user group having access to the resource. A filter uses resource descriptions such as IP address and location to determine a resource class (column 30, lines 15-65, column 31, lines 1-60).

Therefore, one of ordinary skill in the art would have found it obvious to implement or incorporate Hannel's resource class type and filter in Farchmin's method enabling the administrator to determine what users have access rights to specific resources.

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As per claims 6 and 13, Fachmin discloses the method and computer readable medium of claims 4, 11, further comprising:

discovering a resource deletion from an autonomic computing system (paragraph [0055-0058]);

determining whether the resource deletion is represented in the set of resources remaining in the at least one grouping as an equivalency (paragraph [0099-0101]);

if represented in the equivalency, removing the resource from the equivalency (paragraph [0097]).

As per claims 7 and 14, Fachmin discloses the method and computer readable medium of claims 3, 10, further comprising:

nesting two or more sets of equivalent resources within an equivalency (paragraph [0122]).

As per claims 19 and 24, Fachmin discloses the autonomic computing system resource manager of claim 15, 22, wherein:

the equivalency definer for defining at least one equivalency representing a plurality of physically distinct resources that are logically equivalent in the autonomic computing system (paragraph [0022]).

As per claims 20 and 25, Fachmin discloses the autonomic computing system resource manager of claim 15, wherein the equivalency definer defines each of the at least one

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equivalency representing at least one set of equivalent resources in the autonomic computing system by:

creating at least one grouping of resources (paragraphs [0034, 0041, 0096]);

defining a set of resources remaining in the at least one grouping as an equivalency,

wherein each resources in the set of resources perform at least one substantially similar service (paragraphs [0034, 0041, 0096]).

Farchmin does not explicitly disclose:

receiving at least one resource class type specification from a user for an autonomic computing system;

creating at least one grouping of resources of at least one resource class type;

creating a filter from a set of attributes that define a required functional attribute of a type of resource corresponding to the resource class type specification received from the user;

removing from the at least one grouping of resources any resource that does not match the filter;

the at least one substantially similar service corresponding to the corresponding to the resource class type specification.

However, in an analogous art, Hannel teaches resource groups organized in a hierarchy according to class type. A table includes the resource's ID, the service it provides, etc.

A hidden flag indicates whether the resource should be displayed to users who do not belong to the user group having access to the resource. A filter uses resource

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descriptions such as IP address and location to determine a resource class (column 30, lines 15-65, column 31, lines 1-60).

Therefore, one of ordinary skill in the art would have found it obvious to implement or incorporate Hannel's resource class type and filter in Farchmin's method enabling the administrator to determine what users have access rights to specific resources.

### ***Response to Arguments***

5. Applicant's arguments with have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

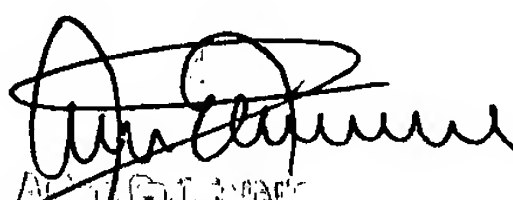
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Barbara N Burgess  
Examiner  
Art Unit 2157

December 25, 2007

  
A circular stamp containing the text "Ario Ettinene" and "SUPERVISOR" is positioned below the signature.